



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

PROFESSIONAL FIRE FIGHTERS OF HUDSON,
NEW HAMPSHIRE, LOCAL 3154, IAFF

Petitioner

v.

TOWN OF HUDSON, NEW HAMPSHIRE, FIRE
DEPARTMENT

Respondent

CASE NO. F-0132:3

DECISION NO. 91-65

APPEARANCES

Representing Local 3154, HUDSON PROF. FIRE FIGHTERS:

Glenn R. Milner, Esq., Counsel

Representing the TOWN OF HUDSON, N. H.:

Gary W. Wulf, Consultant

Also appearing:

Peter Collishaw, Local 3154
Stephen Benton, Local 3154
Clinton M. Weaver, Deputy Chief
Gary J. Rodgers, Town of Hudson
Brian L. Mason, Fire Chief

BACKGROUND

On January 8, 1991, the Professional Fire Fighters of Hudson, N. H., Local 3154 (Local) filed unfair labor practices charges against the Town of Hudson Fire Department stating that on November 5, 1990, Fire Fighter Peter Collishaw was summoned to the office of the Deputy Chief at which time he was notified that he would receive a verbal warning arising out of an incident which occurred on or about October 29, 1990 involving usage of "earned time" (paid leave). Upon learning of the formal discipline by the Department, Fire Fighter Collishaw requested union representation. The Deputy Chief stated the representation would not be necessary; the meeting ended and Collishaw was not allowed union representation.

The Town through its representative answered that the agreement contained a "three step" grievance procedure which in this case is the proper mechanism to resolve the issue. The Town, in addition, stated that there were "no" denial of

rights to Fire Fighter Collishaw and that an arbitrator would support that conclusion as Step 2, provides specifics regarding the Union's claims and the references to the employee's rights:

"Step Two: If the employee is not satisfied with the decision of the Chief he/she may file without fourteen (14) days following the decision a written appeal with the executive Administrator, or his/her designee, setting forth the specific reasons why he/she believes the Agreement is being violated by the Town action in question. Within ten (10) days following receipt of the appeal, the Executive Administrator shall either issue a written decision or schedule a hearing. Said hearing shall be held no later than thirty (30) days following receipt of the appeal and written decision shall be rendered within five (5) days thereafter."

The Town further stated that until such time as the issue had proceeded through the steps of the grievance procedure, including arbitration, it was inappropriate for the matter to be filed as an unfair labor practice complaint under RSA 273-A:5. The Town requested the charges be dismissed.

A hearing in this matter was held in the Board's office in Concord, N. H. on May 23, 1991 with all parties represented.

The request for "earned time" was dropped by Attorney Milner on behalf of Local 3154.

DECISION AND ORDER

Since no remedy was requested by Local 3154 and the question of "earned time" was dropped by Counsel for the Local, the unfair labor practice is hereby DISMISSED without prejudice.


EDWARD J. HASELTINE, Chairman

Signed this 3rd day of September, 1991

By unanimous vote. Chairman Edward J. Haseltine presiding. Members Seymour Osman and E. Vincent Hall present and voting.